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REMARKS

1
2 The Applicants respectfully request reconsideration and allowance of claims 2, 3, 7-9,
3 and 12-19 in view of the above amendments and the arguments set forth below.
4

5 I. AMENDMENTS TO THE CLAIMS

6 The present application was originally filed with claims 1 through 15. Independent
7 claims 1, 6, and 11 have been canceled and replaced by new claims 16, 18, and 19. Claims 16,
8 18, and 19 add limitations not required in claims 1, 6, and 11. In particular, new claims 16, 18,
9 and 19 require that the automatic daub input is entered as a separate input after entry of a game
10 play request. The support for this limitation is found in the specification from p. 22, line 18 to p.
11 24, line 10. In addition, claims 16, 18, and 19 require that a matched card set is stored at a data
12 storage device where the matched card set includes a number of game play records with each
13 game play record being associated with a bingo card representation and each respective bingo
14 card representation is matched with a set of game designations. The support for this amendment
15 is found in the specification from p. 15, line 15 to p. 16, line 8. Dependent claims 2, 3, 7-9, and
16 12-15 have been amended so that they are consistent with the limitations added in new claims 16,
17 18, and 19.

18 Claims 1, 4-6, and 10-11 have been canceled, while new dependent claim 17 has been
19 added. Therefore, claims 2, 3, 7-9, and 12-19 are pending in this case. No new matter has
20 been added by these amendments to the claims.

21 22 II. AMENDMENTS TO THE SPECIFICATION

23 The specification has been amended to correct typographical errors.

1
2 III. THE CLAIMS AS AMENDED ARE PATENTABLE OVER THE PRIOR ART OF
3 RECORD IN THE CASE

4 The Final Office Action rejected claims 1 through 15 under 35 U.S.C. 103(a) as being
5 unpatentable over the website www.bingomania.net ("Bingomania" or the "Bingomania
6 reference), in view of U.S. Patent No. 5,830,069 to Soltesz et al. (Soltesz or the "Soltesz
7 reference"). The Applicants respectfully submit that the claims as amended are not obvious over
8 Bingomania in view of Soltesz because the cited references do not teach or suggest each element
9 required by the claims.

10
11 Independent Claim 16

12 Independent claim 16 is directed to a gaming system for conducting bingo-type games
13 and requires the following limitations:

14 A gaming system for conducting bingo-type games, the gaming system including:
15 (a) a player station;
16 (b) a user interface included with the player station, the user interface for (i) enabling
17 a player using the player station to enter a game play request for a play in a bingo-
18 type game to initiate a game play request communication from the player station,
19 and for (ii) enabling the player to enter an automatic daub input for the play in the
20 bingo-type game as a separate input after entry of the game play request;
21 (c) a data storage device for storing a matched card set, the matched card set
22 including a number of game play records, each game play record including a
23 respective bingo card representation and each respective bingo card representation
24 being matched to a set of game designations;
25 (d) a back office system connected for communication with the player station and also
26 connected for communication with the data storage device, the back office system
27 for assigning a respective game play record from the matched card set to the
28 player station in response to receiving the game play request communication; and
29 (e) an automatic daub control for applying the set of game designations in response to
30 the automatic daub input to automatically daub the respective bingo card
31 representation associated with the respective game play record assigned to the
32 player station.
33

1 Bingomania does not disclose all of the limitations required by claim 16. In particular,
2 Bingomania discloses auto-daubing bingo card representations only in response to the purchase
3 of 3 or more bingo cards (See page 2 of Bingomania) and does not disclose auto-daubing bingo
4 card representations based on a separate input after entry of a game play request as required by
5 element (b) of claim 16. Furthermore, Bingomania does not provide any disclosure relating to
6 the matched card set stored at a data storage device as required by element(c) of claim 16.

7 The Soltesz patent does not make up for the deficiency in Bingomania relating to entering
8 an automatic daub input as a separate input after entry of a game play request because Soltesz
9 does not disclose entering an automatic daub input at all. Soltesz merely discloses entering an
10 input to claim a bingo. In addition, Soltesz does not make up for the deficiency in Bingomania
11 relating to the requirements in element (c) of claim 16 because Soltesz does not provide any
12 disclosure relating to storing a matched card set at a data storage device.

13 Since neither the Bingomania reference nor the Soltesz patent individually disclose an
14 automatic daub input that is a separate input after entry of a game play request and since neither
15 reference discloses storing a matched card set on a data storage device as required by element (c)
16 of claim 16, the combination of these references cannot teach or suggest these limitations.

17 Therefore, the Applicants submit that claim 16 is not obvious over Bingomania in view of
18 Soltesz and is entitled to allowance along with its respective dependent claims, claims 2, 3, and
19 16.

20

21 Independent Claims 18 and 19

22 Independent claims 18 and 19 require limitations similar to those of claim 1 regarding an
23 automatic daub input that is a separate input after entry of a game play request and a matched

1 card set stored at a data storage device. Therefore, the arguments presented above with respect to
2 claim 16 apply with equal force to claims 18 and 19 along with their respective dependent
3 claims. For these reasons, the Applicants submit that claims 7 through 9, 12 through 15, 18, and
4 19 are not rendered obvious over Bingomania in view of Soltesz and are entitled to allowance.

5

6 IV. REFERENCES ARE IMPROPERLY CITED AS EXTRINSIC EVIDENCE
7 REGARDING THE AUTO-DAUB FEATURE IN BINGOMANIA

8 The Final Office Action cites the websites www.onlinebingo.com (the “Online Bingo
9 reference” or “Online Bingo”) and www.bingomania.com/faqdetail.asp?page=TipsTricks (the
10 “Bingomania Tips reference” or “Bingomania Tips”) as extrinsic evidence for the term “auto-
11 daub.” The Applicants assert that it is improper to cite these references as extrinsic evidence for
12 the term auto-daub in Bingomania.

13 Extrinsic evidence may be used to explain, but not expand the meaning of terms and
14 phrases used in the reference. (See MPEP 2131.01 (II) citing *In re Baxter Travenol Labs.*, 952
15 F.2d 388, 21 USPQ2d 1281 (Fed. Cir. 1991)). It appears that the arguments presented in the
16 Final Office Action are attempting to rely on the Online Bingo and Bingomania Tips references
17 to expand the meaning of the term “auto-daub” in the Bingomania reference rather than merely
18 explain this term. In particular, page 5 of the Final Office Action states, “BingoMania teaches
19 that a user can select an auto-daub feature or a manual daub feature to daub bingo cards during
20 game play...” However, there is no disclosure in Bingomania relating to being able to select
21 either a manual daub or auto-daub feature. The Online Bingo and Bingomania Tips references
22 on the other hand both disclose the ability to select either a manual or automatic daubing feature.
23 (See page 2 of Bingomania Tips and the bottom of page 4 of the Online Bingo reference.)

1 The Applicants assert that it would be improper to attempt to rely on Bingomania Tips or
2 Online Bingo to add features to the "auto-daube" of Bingomania because these references do not
3 disclose the "auto-daube" feature at the time that the claimed subject matter was made. In
4 particular, since the earliest possible publication date for either the Online Bingo or Bingomania
5 Tips references is sometime in 2004, there is nothing disclosed in these references to explain the
6 meaning of "auto-daube" in Bingomania as it relates to the claimed subject matter because these
7 references were published well after the effective filing date of the present application of January
8 30, 2001. Therefore, any attempts to use disclosure from Online Bingo or Bingomania Tips in
9 relation to the "auto-daube" of the Bingomania reference would be expanding the meaning of
10 that term. In this light, the Applicants respectfully request that the Online Bingo and Bingomania
11 Tips references are withdrawn from consideration in this case, as well as any arguments
12 presented in the Final Office Action that rely on the disclosure of these references.

1 V. CONCLUSION

2 For all of the above reasons, the Applicants respectfully request reconsideration and
3 allowance of claims 2, 3, 7-9, and 12-19. If the Examiner should feel that any issue remains as to
4 the allowability of these claims, or that a conference might expedite allowance of the claims, the
5 Examiner is asked to telephone the Applicants' attorney Russell D. Culbertson at the number
6 listed below.

7 Respectfully submitted,

8
9 The Culbertson Group, P.C.
10
11

12 Dated: 2-6-06

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22 I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax
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